

## **CHAPTER 5 BENEFITS**

### **5.01 VACATIONS**

#### **5.01.1 VACATION TIME FOR POLICE DEPARTMENT UNIFORMED EMPLOYEES**

Pursuant to Ark. Code Ann. §14-52-106, each uniformed employee shall be granted an annual vacation of not less than one hundred and twenty (120) hours with full pay.

All uniformed employees of the police department shall accumulate vacation time at the rate of ten (10) working hours for each month of working service.

Vacation time will not be paid until accumulated.

Accrued vacation time will be paid if the employee leaves the employment of the city. No more than two hundred and forty (240) vacation hours may be carried over one year past the anniversary date without prior approval from the police chief. Accrued vacation days not taken within this time-period will be deemed used.

#### **5.01.2 VACATION TIME FOR FIRE DEPARTMENT EMPLOYEES**

Pursuant to Ark. Code Ann. § 14-53-107, each fire department employee shall be granted an annual vacation of not less than one hundred and twenty (120) hours with full pay.

All employees of the fire department shall accumulate vacation time at the rate of ten (10) working hours for each month of working service.

Vacation time will not be paid until accumulated.

Accrued vacation time will be paid if the employee leaves the employment of the city. No more than two hundred and forty (240) vacation hours may be carried over one year past the anniversary date without prior approval from the fire department chief or appropriate department head. Accrued vacation days not taken within this time-period will be deemed used.

### **5.02 HOLIDAYS AND HOLIDAY PAY**

The appropriation made by the City Council for salaries shall include additional pay for holidays for all agents, servants and employees of the city, including but not limited to, uniformed employees, as provided by the laws of the State of Arkansas.

#### **Holiday**

New Year's Day  
Martin Luther King Jr. Day

#### **Day/Date**

January 1<sup>st</sup>  
Third Monday in January

Presidents Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup>
Labor Day	First Monday in September
Veterans Day	November 11 <sup>th</sup>
Thanksgiving Day	Fourth Thursday in November
The Day After Thanksgiving	Fourth Friday in November
Christmas Eve	December 24 <sup>th</sup>
Christmas Day	December 25 <sup>th</sup>

In addition, each employee shall be provided an annual holiday on the date of his or her birthday. Holidays falling on a Saturday will be observed on the preceding Friday. Holidays falling on a Sunday will be observed on the succeeding Monday.

### **5.02.1 HOLIDAY PAY FOR POLICE AND FIRE DEPARTMENT EMPLOYEES**

Per Ark. Code Ann. §§ 14-52-105 & 14-53-106, uniformed officers and fire department employees will collect the above eleven (11) Holidays paid on the second Monday in December. If employment separation pay occurs after the designated pay date, and before the paid holiday (i.e. Christmas), the overpayment will be held from the employee's final paycheck.

### **5.03 INCLEMENT WEATHER**

In the event City offices are open but an employee is unable to report to work due to inclement weather conditions, the employee may elect to use either annual leave, comp time or leave without pay. At his or her supervisor's discretion, an hourly employee may make up lost time through an adjusted work schedule, but under no circumstances shall this result in the employee becoming eligible for overtime compensation.

In the event the Mayor declares that City offices are closed, or office openings are delayed, all non-essential full-time employees will be paid for such time off. Part-time employees will only be paid if normally scheduled to work that day and only for those hours which the employee would normally work. Those employees who have been designated by management as essential personnel, regardless of weather conditions, shall report to their work sites according to the work schedules established for them.

### **5.04 SICK LEAVE**

#### **5.04.1 SICK LEAVE FOR POLICE DEPARTMENT EMPLOYEES**

Pursuant to Ark. Code Ann. §14-52-107, law enforcement officers, regardless of their titles, shall accumulate sick leave at the rate of twenty (20) 8hr working days per year beginning one (1) year after the date of employment. If unused, sick leave shall

accumulate to a maximum of sixty (60) days.

Time off may be charged against accumulated sick leave only for such days that an officer is scheduled to work. No sick leave, as provided in this section, shall be charged against any officer during any period of sickness, illness, or injury for any days which the officer is not scheduled to work.

If, at the end of his term of service, upon retirement or death, whichever occurs first, any police officer has unused accumulated sick leave, he shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave will not be made when the officer's employment terminates for any reason other than death or retirement. Payment for unused sick leave in the case of a police officer shall not exceed sixty (60) days' salary.

#### **5.04.2 SICK LEAVE FOR FIRE DEPARTMENT EMPLOYEES**

Pursuant to Ark. Code Ann. § 14-53-108, all fire department employees shall accumulate sick leave at the rate of ten (10) 8hr working days per year beginning one (1) year after the date of employment. If unused, sick leave shall accumulate to a maximum of sixty (60) days.

Time off may be charged against accumulated sick leave only for such days that an officer is scheduled to work. No sick leave, as provided in this section, shall be charged against any officer during any period of sickness, illness, or injury for any days which the fire department employee is not scheduled to work.

If, at the end of his term of service, upon retirement or death, whichever occurs first, any fire department employee has unused accumulated sick leave, he shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave will not be made when the officer's employment terminates for any reason other than death or retirement. Payment for unused sick leave in the case of a fire department employee shall not exceed sixty (60) days' salary.

#### **5.04.3 SICK LEAVE FOR OTHER CITY NON-UNIFORMED EMPLOYEES**

The City of Tontitown recognizes that inability to work because of illness or injury may cause economic hardships. For this reason, the City of Tontitown provides paid sick leave to full-time employees. Full-time employees working 40 hours per week shall accrue sick leave at the rate of 8 (eight) hours per month. Full-time employees not working 40 hours per week shall accrue sick leave at the rate of 8 (eight) hours per month multiplied by their regularly scheduled weekly hours, divided by 40, per month.

Any sick leave days which are not used in any calendar year may be carried over as accumulated sick leave days for the succeeding calendar year up to a maximum of

thirty (30) days .

An employee may be eligible for sick leave days for the following reasons:

- Personal illness or physical incapacity.
- Quarantine of an employee by a physician or health officer.
- Illness, injury or death in the employee's immediate family which require the employees' presence. Immediate family includes only the following persons related by blood, marriage or legal adoption: grandparents, parents, wife, husband, brother, sister, child, grandchild, mother-in-law, father-in-law or any relative living in the employee's household.
- Necessity of medical or dental care, including medical, dental and optical visits.

An employee who is unable to report for work due to one of the previously listed sick leave reasons shall report the reason for his absence to the employer's supervisor or someone acting for the employee's supervisor within two (2) hours from the time the employee is expected to report for work. Sick leave with pay may not be allowed unless such report has been made as aforementioned.

Employees who are absent more than three (3) consecutive days due to illness or injury may be required by the supervisor or department head to submit a physician's statement. Employees absent from employment due to illness and under a physician's care may be requested to present a certificate of release to the department head before returning to work.

Absence for part of a day that is chargeable to sick leave in accordance with these provisions shall be deducted from accrued leave in amounts of not less than one-half (1/2) day increments. An employee who uses all of his or her accrued sick leave days shall thereafter be placed on an inactive, without-pay status.

An employee may use earned sick leave while receiving workers' compensation benefits only to the extent that the leave augments the employee's workers' compensation benefit to the amount equal to that employee's regular rate of pay. An employee may use sick leave in this fashion for a maximum of six months.

Non-uniformed employees will not be paid for accrued sick days upon termination of employment with the City.

#### **5.04.4 SICK LEAVE BANK**

##### **A) Participation**

All full-time city employees who have full benefits are allowed to participate in the Sick Leave Bank after declaring their intention to participate and donate at least eight (8) accumulated hours of leave to the bank by January 15 of the calendar year (new hires are allowed to join thirty (30) days after getting full benefits, which is ninety (90) days, for a total of One Hundred and Twenty (120)

days, including existing employees thirty (30) days from inception of ordinance).

Such declaration and contribution shall be made on a Sick Leave Bank Form.

#### B) Governance

The Sick Leave Bank is governed by the Mayor, Recorder/Treasurer, and one full time employee elected in an election run by the Police Chief. Any request for leave from the Sick Leave Bank must be requested from the committee on a Sick Leave Bank request form. This committee shall approve or disapprove requests based on individual situations and documentation. The Committee may review employee records and documentation.

#### C) Rules of Operation

1. Only participants who have made a contribution to the bank may make requests from the Bank.
2. Sick Leave Bank hours will be granted only in the cases of physical, mental, or emotional illness of the participant, or illness or death in the immediate family. Immediate family shall include participant's spouse, children, spouse's children, parents, spouse's parents, and any other relatives living in the same household.
3. Sick Leave Bank hours will only be granted after the exhaustion of all other paid compensation (sick leave, vacation and compensatory time). Sick Leave Bank hours or days are grants and do not require repayment.
4. Sick leave grants made from the banks shall be for up to **160 hours** for an individual applicant per year, if the hours are available.
5. The sick leave bank committee shall have the discretion to award days in fractional amounts up to the **maximum 160 hours** per year to a participant who has disability income protection insurance that pays a per diem rate less than the employee's contracted per diem rate. This discretion is limited to the degree that the sum of the per diem disability insurance plus the value of the per diem sick leave bank leave days awarded does not exceed the total per diem amount for the leave as compensated by both wages and disability compensations.
6. Any participant of the sick leave bank making withdrawals from the bank must contribute at least the minimum of eight (8) hours at the beginning of the next calendar year (by January 15 or when 8 hours of leave is earned) in order to be eligible to make withdrawals from the bank in succeeding years.
7. Any unused sick leave bank hours granted may not be carried forward to any subsequent year and shall be returned to the sick leave bank if unused

at the end of the calendar year.

8. At the beginning of each calendar year (by January 15), any employee who is not already a participant of the sick leave bank may join by giving eight (8) hours to the sick leave bank.
9. Participants who have contributed to the sick leave bank will not be requested to contribute to the bank again as long as the bank is considered to be solvent. When the sick leave bank committee determines that more hours/days are needed for the bank to remain solvent, each participant will be requested to contribute eight (8) hours of their earned leave. Failure to contribute will result in termination as a sick leave bank participant.
10. Solvency will be established at the point of 160 hours is accrued and maintained for a period of no less than one year in the bank.

A maximum of 640 hours may be in the sick leave bank (prior balance shall be carried forward and no contributions will be accepted until bank balance falls below 640 hours. The only exception will be for non-employees and employees not previously participants in the sick leave bank joining at the beginning of any calendar year.)

#### **5.05 FUNERAL OR BEREAVEMENT LEAVE**

Funeral leave with pay up to a maximum of three (3) calendar days will be granted to all city employees in cases of death or in the circumstances of death in the immediate family only.

As used in this subsection, "immediate family" means mother, father, brother, sister, son, daughter, grandparents, son-in-law, daughter-in-law, spouse, spouse's immediate family, or those relatives who live in the employee's household including "step" relatives.

Travel time may be granted upon prior approval from the department head in addition to the three (3) days where travel time of more than eight (8) hours is necessary.

The department head may grant funeral leave of not more than one (1) day for an employee to be a pallbearer or attend a funeral of someone not within the immediate family.

#### **5.06 MATERNITY LEAVE**

Employees affected by pregnancy, childbirth or related medical conditions shall be treated the same for all employment-related purposes as persons disabled for non-pregnancy related reasons. Therefore, accrued sick leave and vacation leave, if representative of the employee will be granted for maternity use after which leave without pay must be used.

## **5.07 UNIFORMED SERVICES**

Certain rights to re-employment after service in the uniformed services, as well as provisions relating to pension and health benefits are established in the Uniformed Services Employment and Re-employment Rights Act of 1994, 38 USC 4301 et seq., and in Ark. Code Ann. § 21-4-102. It is the City's policy to honor and comply with the provisions of those statutes.

The Uniformed Services Employment and Reemployment Rights Act (USERRA), prohibits discrimination against persons because of their service in the military. USERRA prohibits an employer from denying any benefit of employment on the basis of an individual's membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services. USERRA also protects the right of veterans, reservists, National Guard members, and certain other members of the uniformed services to reclaim their civilian employment after being absent due to military service or training.

A summary of rights afforded by the Uniformed Services Employment and Reemployment Rights Act (USERRA) is contained in a poster developed by the U.S. Department of Labor and can be found on their website. As an employer, the city shall provide to persons entitled to rights and benefits under USERRA a notice of the rights, benefits, and obligations of such persons and such employers under USERRA.

In addition, under Ark. Code Ann. §21-4-102, employees who are members of a military service organization or National Guard unit shall be entitled to a military leave of fifteen (15) days with pay plus necessary travel time. As mentioned below, the FLSA provides further rights to family members of military personnel.

## **5.08 FAMILY MEDICAL LEAVE**

The Family Medical Leave Act (FMLA) of 1993 requires cities with fifty (50) or more employees to offer up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. Because the City of Tontitown has fewer than fifty (50) employees, its employees are not eligible for family medical leave. At such time as the City's employees do become eligible under the Act, this provision will be revised to reflect the benefits pursuant to the FMLA.

## **5.09 LEAVE FOR WITNESS OR JURY DUTY**

Regular full-time employees who have completed a minimum of ninety (90) calendar days of service will be granted leave with pay for witness or jury duty. This paid leave shall not exceed two (2) weeks of paid jury or witness duty leave over any two (2) year period. Employees are also permitted to retain the allowance for services from the court for such service. To qualify for jury or witness duty leave, employees must submit to the department head a copy of the summons or other relevant court related paperwork as early as possible upon receipt thereof. In addition, proof of service must

be submitted to the employee's supervisor when the employee's period of jury or witness duty is completed.

## **5.10 MISCELLANEOUS LEAVE**

The attendance of employees at seminars and training programs is considered part of continual professional development. Attendance of such seminars and programs must be preapproved by the department head. If employees are required to attend these meetings at a location requiring an overnight stay or travel time in excess of the employee's normal work day, overtime will not be paid.

The City will pay all reasonable out-of-pocket expenses for lodging, travel costs, meals, etc., pursuant to its regular expense policy. However, no such expenses will be reimbursed without receipts documenting payments of such expenses.

The misrepresentation or altering of claims for reimbursement may result in the filing of criminal complaints, as well as disciplinary action.

## **5.11 EMPLOYEE HEALTH BENEFITS**

The City of Tontitown provides a group health plan for all its full-time employees. Detailed information on the policy and coverage will be given to employees at the time of hire. Additional information may be obtained from the department head.

## **5.12 OCCUPATIONAL INJURIES**

All City employees are covered under the Arkansas State Workers' Compensation laws. Any employee incurring an "On-the-job" injury should immediately notify his/her supervisor who will arrange for appropriate medical treatment and prepare the necessary reports required for the employee to be compensated. Rules and regulations concerning Workers' Compensation have been posted on bulletin boards located at City Hall.

## **5.13 ACCIDENTAL INJURY**

If any full-time employee is involved in an accident which is not job-related and the injury sustained in such accident necessitates that the employee be absent from work, the employee shall be entitled to receive pay at a regular salary for the number of days of accumulated sick leave credited to that employee at the time the accident occurred.